

FIRST REGULAR SESSION

HOUSE BILL NO. 959

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOKSON.

1696L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 167.031 and 167.061, RSMo, and to enact in lieu thereof two new sections relating to school attendance requirements, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 167.031 and 167.061, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 167.031 and 167.061, to read as follows:

167.031. 1. Every parent, guardian or other person in this state having charge, control
2 or custody of a child not enrolled in a public, private, parochial, parish school or full-time
3 equivalent attendance in a combination of such schools and between the ages of seven years and
4 the compulsory attendance age for the district is responsible for enrolling the child in a program
5 of academic instruction which complies with subsection 2 of this section. Any parent, guardian
6 or other person who enrolls a child between the ages of five and seven years in a public school
7 program of academic instruction shall cause such child to attend the academic program on a
8 regular basis, according to this section. Nonattendance by such child shall cause such parent,
9 guardian or other responsible person to be in violation of the provisions of section 167.061,
10 except as provided by this section. **Habitual absence shall cause such parent, guardian or**
11 **other responsible person to be in violation of subsection 2 of section 167.061, except as**
12 **otherwise provided in this section.** A parent, guardian or other person in this state having
13 charge, control, or custody of a child between the ages of seven years of age and the compulsory
14 attendance age for the district shall cause the child to attend regularly some public, private,
15 parochial, parish, home school or a combination of such schools not less than the entire school
16 term of the school which the child attends; except that:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (1) A child who, to the satisfaction of the superintendent of public schools of the district
18 in which he resides, or if there is no superintendent then the chief school officer, is determined
19 to be mentally or physically incapacitated may be excused from attendance at school for the full
20 time required, or any part thereof;

21 (2) A child between fourteen years of age and the compulsory attendance age for the
22 district may be excused from attendance at school for the full time required, or any part thereof,
23 by the superintendent of public schools of the district, or if there is none then by a court of
24 competent jurisdiction, when legal employment has been obtained by the child and found to be
25 desirable, and after the parents or guardian of the child have been advised of the pending action;
26 or

27 (3) A child between five and seven years of age shall be excused from attendance at
28 school if a parent, guardian or other person having charge, control or custody of the child makes
29 a written request that the child be dropped from the school's rolls.
30

31 **Except as otherwise provided in this section, habitual absence shall cause a parent's child,**
32 **guardian or other responsible person to be in violation of subsection 2 of section 167.061.**

33 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
34 incorporated or unincorporated, that:

35 (a) Has as its primary purpose the provision of private or religious-based instruction;

36 (b) Enrolls pupils between the ages of seven years and the compulsory attendance age
37 for the district, of which no more than four are unrelated by affinity or consanguinity in the third
38 degree; and

39 (c) Does not charge or receive consideration in the form of tuition, fees, or other
40 remuneration in a genuine and fair exchange for provision of instruction.

41 (2) As evidence that a child is receiving regular instruction, the parent shall, except as
42 otherwise provided in this subsection:

43 (a) Maintain the following records:

44 a. A plan book, diary, or other written record indicating subjects taught and activities
45 engaged in; and

46 b. A portfolio of samples of the child's academic work; and

47 c. A record of evaluations of the child's academic progress; or

48 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

49 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which
50 will be in reading, language arts, mathematics, social studies and science or academic courses
51 that are related to the aforementioned subject areas and consonant with the pupil's age and

52 ability. At least four hundred of the six hundred hours shall occur at the regular home school
53 location.

54 (3) The requirements of subdivision (2) of this subsection shall not apply to any pupil
55 above the age of sixteen years.

56 3. Nothing in this section shall require a private, parochial, parish or home school to
57 include in its curriculum any concept, topic, or practice in conflict with the school's religious
58 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
59 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
60 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
61 regulation or other device any statewide curriculum for private, parochial, parish or home
62 schools.

63 4. A school year begins on the first day of July and ends on the thirtieth day of June
64 following.

65 5. The production by a parent of a daily log showing that a home school has a course of
66 instruction which satisfies the requirements of this section or, in the case of a pupil over the age
67 of sixteen years who attended a metropolitan school district the previous year, a written statement
68 that the pupil is attending home school in compliance with this section shall be a defense to any
69 prosecution under this section and to any charge or action for educational neglect brought
70 pursuant to chapter 210.

71 6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the
72 district" shall mean:

73 (1) Seventeen years of age for any metropolitan school district for which the school
74 board adopts a resolution to establish such compulsory attendance age; provided that such
75 resolution shall take effect no earlier than the school year next following the school year during
76 which the resolution is adopted; and

77 (2) Seventeen years of age or having successfully completed sixteen credits towards high
78 school graduation in all other cases. The school board of a metropolitan school district for which
79 the compulsory attendance age is seventeen years may adopt a resolution to lower the
80 compulsory attendance age to sixteen years; provided that such resolution shall take effect no
81 earlier than the school year next following the school year during which the resolution is
82 adopted.

83 7. For purposes of subsection 2 of this section as applied in subsection 6 [herein] of **this**
84 **section**, a "completed credit towards high school graduation" shall be defined as one hundred
85 hours or more of instruction in a course. Home school education enforcement and records
86 pursuant to this section, and sections 210.167 and 211.031, shall be subject to review only by the
87 local prosecuting attorney.

167.061. **1.** Any parent, guardian or other person having charge, control or custody of a child, who violates the provisions of section 167.031 is guilty of a class C misdemeanor. Upon conviction and pending any judicial appeal, the defendant shall be required to enroll the child in a public, private, parochial, parish or home school within three public school days, after which each successive school day shall constitute a separate violation of section 167.031. The fine or imprisonment, or both, may be suspended and finally remitted by the court, with or without the payment of costs, at the discretion of the court, if the child is immediately placed and kept in regular attendance at a public, private, parochial, parish or home school and if the fact of regular attendance is proved subsequently to the satisfaction of the court. A certificate stating that the child is regularly attending a public, private, parochial or parish school and properly attested by the superintendent, principal or person in charge of the school is prima facie evidence of regular attendance by the child.

2. Notwithstanding any other provision of law, any parent, guardian or other person having charge, control or custody of a child, who, in violation of section 167.031 fails to enroll a child in school or permits a child to be habitually absent from school without a valid excuse, may have his or her public benefits revoked.

3. As used in this section and section 167.031, "habitually absent" means a child has been counted absent without excuse for more than ten percent of the total scheduled school days for a school term. "Public benefit" means any grant, contract, or loan provided by an agency of state or local government; or any retirement, welfare, health, postsecondary education, state grants and scholarships, disability, housing, or food assistance benefit under which payments, assistance, credits, or reduced rates or fees are provided. The term "public benefit" shall not include unemployment benefits payable under chapter 288.

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